

<p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">18.7</p> <p>Date Filed</p> <p style="text-align: center;">October 14, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">8</p> <p>Effective Date</p> <p style="text-align: center;">February 3, 2006</p>
<p>Authority/References</p> <p>KRS 196.030, 196.035, 196.070</p>	<p>Subject</p> <p style="text-align: center;">TRANSFERS</p>	

## I. DEFINITIONS

"Transfer" means the authorized movement of an inmate from one (1) correctional facility to another correctional facility.

## II. POLICY and PROCEDURES

The Department of Corrections shall transfer inmates between institutions and facilities in order to:

1. maximize the efficient use of resources;
2. regulate institutional populations;
3. provide adequate security and supervision;
4. meet medical and mental health needs; and
5. ensure the adequate protection of the public, staff, institution and inmates.

### A. There shall be five (5) types of transfers.

1. The initial placement transfer shall be used after an inmate has completed initial orientation and classification to authorize the movement of the inmate from the Assessment and Classification Center to an institution or facility of residence.
2. The program progression transfer may result from the recommendation of any Reclassification Committee which authorizes the movement of an inmate from his current institutional placement to another facility for the purpose of participation in a program, school, training course, job, or other activity designed to meet his needs or to increase the opportunity for family contacts, employment or reintegration into society.
3. The disciplinary transfer shall authorize the movement of an inmate from his current institutional placement to a facility better suited to address the security needs of the inmate. Only an inmate who has been found by the adjustment process to have committed a disciplinary offense may be reassigned by disciplinary transfer. Except in a case where the failure to transfer the inmate immediately shall cause a security problem, a custody

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document shall be completed and the inmate shall be seen by the Reclassification Committee prior to the transfer.

4. The medical transfer shall authorize the movement of an inmate from his current institutional placement to a facility equipped to deal with medical or mental health needs. A medical transfer may be recommended by institutional medical or mental health staff.
  5. The administrative transfer shall authorize the movement of an inmate from his institution of residence to another institution. An administrative transfer shall not be considered punitive in nature. However, the inmate may be reclassified to a higher custody if he has been returned from a lower security setting for the specific reasons listed below and a period of reassessment is required. Reasons for administrative transfers may include:
    - a. Reasonable suspicion that the inmate in question may be involved in activity detrimental to the security and operation of the institution where a period of reassessment may be necessary.
    - b. The inmate has failed to adjust to institutional rules or programming and a period of reassessment may be necessary.
    - c. To control population flow among institutions.
    - d. To meet an institutional need for a particular job skill.
    - e. To separate inmates who appear to have negative influence on each other or other inmates.
    - f. To provide a secure environment for an inmate in need of protection.
    - g. To separate groups or cliques which appear to have a negative influence on the institution.
    - h. Information provided by institutional staff warrants other placement.
- B. For security or other substantial reasons, as determined by the Classification Branch Manager, his designee, or Central Office Duty Officer, an inmate may be transferred to another institution without meeting the Reclassification Committee. In a situation where an inmate may be transferred on an emergency basis prior to being seen by the Reclassification Committee, the Reclassification Committee of

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the receiving institution shall review the case within ten (10) working days of the inmate's entry into that institution.

1. An emergency transfer may occur if:
  - a. The conduct of an inmate or group of inmates is of immediate danger to the security of the institution, or the safety of staff or other inmates, and transfer is required without awaiting normal procedure.
  - b. The institution does not have the detention facilities required to contain the behavior of the inmate.
  - c. There is a medical or mental health need that requires immediate treatment.
  - d. An inmate is behaving in a violent manner or is suspected of being intoxicated, he shall be transferred to a secure facility with available cell space.

C. A transfer recommendation shall be approved by the Classification Branch Manager or his designee.

1. Under normal circumstances, an inmate may be recommended for transfer to another facility by the Classification Committee.
2. A transfer authorization shall be prepared on each inmate recommended for transfer. After receiving institutional approval, copies shall be forwarded to the Classification Branch Manager.
3. If denied, one (1) copy of the transfer authorization shall be forwarded to Offender Information and the other copies shall be returned to the institution and placed in the inmate's record file.
4. If the transfer is approved, all copies shall be returned to the sending institution. One (1) copy of the form shall be retained by the sending institution. Two (2) copies shall be forwarded to the receiving institution.
5. Upon transfer of the inmate and receipt of the transfer authorization, the receiving institution shall indicate the date the inmate was received, place one (1) copy in the inmate record and send the final copy to Offender Information.
6. It shall be the responsibility of the receiving institution to ensure that the inmate receives an orientation as outlined in CPP 18.1. Each inmate shall

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receive a written handbook covering the rules and programs of the institution.

7. The Warden of each institution shall designate a transfer coordinator and first and second backup to the coordinator. The Warden shall notify the Classification Branch Manager of these designations. The Classification Branch Manager shall prepare a list of the transfer coordinators and forward this information to each institution.
8. During normal working hours, a transfer shall be scheduled with the approval of the Classification Branch Manager or his designee between the transfer coordinators at the sending and receiving institutions. Any other transfer shall be scheduled between the shift supervisors. It shall be the responsibility of the sending institution to notify the receiving institution of the transfer to ensure that appropriate bed space is available. Local Facilities shall be notified of any transfer to Class D, Community Custody Program, or Community Service Center Programs.

#### D. Paperwork

##### 1. Regularly Scheduled Transfers Between Institutions

The following shall be forwarded with the inmate when transferred:

- a. The inmate institutional file.
- b. The medical record and all medication remaining on the inmate's pill card.
- c. A minimum of a five (5) day supply of any prescription medications.

##### 2. Transfers to Class D Programs

- a. Inmates who meet the statutory requirements to be placed in the Class D program shall be approved as identified by a listing provided monthly from the Classification Branch Office. The list shall be forwarded monthly to the receiving institution and shall be the approved list. The transfer authorization form for these inmates shall not be processed until a transfer is imminent. At that time, the transfer form shall be processed as noted in II(C) of this policy.
- b. The following shall be forwarded to the Class D Program with the inmate when transferred:

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1. one (1) copy of the transfer authorization
2. one (1) copy of the Pre-Post Sentence Investigation
3. one (1) copy of the most recent classification document
4. two (2) copies of the Resident Record card (if audited)
5. a copy of the medical record and all medication remaining on the inmate's pill card
6. a minimum of a five (5) day supply of any prescription medications.

c. The institutional file and a copy of the transfer authorization shall be forwarded to Offender Information Services CS-Class D Records.

d. The following shall be forwarded to the appropriate Class D Probation and Parole Officer.

1. one (1) copy of the most recent classification document
2. one (1) copy of the transfer authorization
3. if sentenced from a county other than the location of the Class D Program, one (1) copy of the Pre-Post Sentence Investigation

### 3. Transfers to Community Centers

All paperwork for inmates transferring to Community Center Programs shall be handled as outlined in CPP 25.6, Community Center Program. If an inmate is on any prescribed medications when transferred, all medication remaining on an inmate's pill card shall be forwarded with the inmate. A minimum of a five (5) day supply of prescription medications shall be forwarded with the inmate.

### 4. Emergency Transfers

For an emergency transfer, the requirements of a regularly scheduled transfer shall be followed on the next working business day.

E. All personal property of an inmate shall be sent with the inmate when transferred. In order to make efficient use of transportation resources, an inmate being

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transferred may be housed on a hold ticket at an intermediary institution. In this case, steps shall be taken to ensure care of the inmate's personal belongings.

- F. An inmate shall not be transferred to another institution if he has been placed on a parole board eligibility cut-off list. Any exception shall be approved by the Classification Branch Manager or Central Office Duty Officer. If the inmate requires transfer within sixty (60) days of a parole hearing, the Preparole Progress Report shall be completed by the sending institution.
  
- G. Unless approved by the Classification Branch Manager, an inmate who is scheduled for a court appearance within thirty (30) days shall not be transferred until the scheduled court appearance is completed, unless the transfer results in the inmate being closer to the county where the appearance is required. If feasible, the sending institution shall notify the receiving institution of this prior to the transfer. The inmate record shall be flagged to reflect the upcoming court appearance.
  
- H. In a situation that the number of approved transfers to Level 1 or 2 institutions exceed the number of Level 1 or 2 bed spaces available, an approved transfer list shall be maintained at each institution. The following priorities shall be used in determining the order of transfer.
  - 1. An Assessment and Classification Center inmate.
  - 2. An inmate who has been returned from a Level 1 or 2 placement for a rule violation and was found not guilty or had his charge dismissed.
  - 3. An inmate from a Level 3 or 4 institution that has been approved for transfer to Level 1 or 2 institution.
  - 4. Any transfer between a Level 1 or 2 institution and another Level 1 or 2 institution.

The above priorities may be waived, at the discretion of the Classification Branch Manager, if medical, mental health, security or program needs require immediate movement. The priorities may also be waived in order to fill institutional vacancies.
  
- I. Any inmate who currently has good time loss in excess of ninety (90) days shall not be transferred to a Level 1 or 2 institution.
  - 1. An inmate with any amount of non-restorable good time loss shall not be transferred to Level 1 or Level 2 institution since he may be ineligible for reduced custody.

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2. An inmate assigned to a Level 1 or 2 facility who incurs up to a ninety (90) day good time loss after arrival at the facility, total 180 day good time loss, may be overridden by use of the custody reduction form, to minimum custody and retained at the facility.
- J. Except in special circumstances, as determined by the Classification Branch Manager, an inmate shall not be transferred from a Community Center placement to a Level 2 institution for other than disciplinary or medical reasons.
- K. In selecting an inmate to fill available bed space in Level 3 and 4 institutions, priority shall be given to an inmate of the next lower custody level who has the highest custody scores within his level.
- L. After the transfer is approved and scheduled by the Classification Branch Manager or Central Office Duty Officer, the sending institution shall confer with the transfer coordinator of the receiving institution, prior to the actual transfer, to transmit information relative to:
1. Requirement for protection and the degree of protection needed.
  2. Special medical requirements.
  3. Suspected involvement in gang related or other illegal activities.
  4. Pending disciplinary reports.
  5. Conflicts with other inmates.
  6. Other special information which shall aid in the assignment and care of the inmate.
- M. An inmate shall not be permitted to refuse transfer between institutions. In situations that an inmate refuses placement, the individual shall be reviewed for disciplinary action and placement at a higher security or custody level.
- N. An inmate may be transferred to an institution of higher security as a result of a Reclassification Committee action.
1. Each inmate received into the correctional system shall receive a temporary custody level of medium while undergoing classification processing in the Assessment and Classification Center.
  2. An inmate may be transferred to a higher security institution by the Assessment and Classification Center Classification Committee if he has received the appropriate custody score and level. The transfer shall be considered as an initial institutional placement transfer.
  3. An inmate may be transferred to a higher security institution for medical and mental health care if his present institution does not have adequate facilities to meet the inmate's medical and mental health needs. In a medical case, the inmate's custody level shall not change. In a mental

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health case, the inmate's custody level shall be reviewed for appropriate action.

4. An inmate may be transferred to a higher security institution for participation in a program, school or assignment offered at that institution. In these cases, the inmate's custody level shall not change.
5. An inmate may be transferred to a higher security institution for administrative reasons as outlined in Section II(A)(5). In these cases, the inmate's custody level shall not change unless a determination is made that a higher custody level is more appropriate.

O. In scheduling any transfer between institutions, priority shall be assigned as follows:

1. transfer for medical reasons
2. transfer for security reasons
3. transfer for administrative reasons
4. initial institutional placement transfer
5. program progression transfer

P. In general, an inmate shall be required to complete a six (6) to twelve (12) month placement at an institution before a transfer to another institution shall be considered.